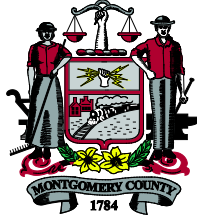


**EXHIBIT C**

**MONTGOMERY COUNTY  
BOARD OF COMMISSIONERS**

VALERIE A. ARKOOSH, MD, MPH, CHAIR  
KENNETH E. LAWRENCE, JR., VICE CHAIR  
JOSEPH C. GALE, COMMISSIONER



**OFFICE OF THE SOLICITOR**

MONTGOMERY COUNTY COURTHOUSE • PO Box 311  
NORRISTOWN, PA 19404-0311  
610-278-3033  
FAX: 610-278-3069 • TDD: 610-631-1211  
WWW.MONTCOPA.ORG

November 2, 2020

Andrew Teitelman, Esquire  
Law Offices of Andrew Teitelman, P.C.  
380 Red Lion Road, Suite 103  
Huntingdon Valley, PA 19006  
Email: [ateitelman@teitelaw.com](mailto:ateitelman@teitelaw.com)

Mr. Teitelman,

Montgomery County is in receipt of both your October 30<sup>th</sup> and October 31<sup>st</sup> letters, and this correspondence shall serve as the County's formal response to both.

Regarding your request to allow someone from the Barnette campaign to record video of the canvassing process, we must decline this request. While we appreciate your assurances that no video will be taken which would threaten the anonymity of the votes cast, there is no way to ensure that something of that nature would not wind up captured on video. To allow so would be a violation of 25 Pa. C.S.A. Sections 1403 and 1404. In addition, Section 3146.8(g)(1.1) of the Election Code clearly outlines who is permitted to be present for any part of the pre-canvas or canvass, stating for each that "One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are pre-canvassed" and "One authorized representative of each candidate in an election and one representative from each political party shall be permitted to remain in the room in which the absentee ballots and mail-in ballots are canvassed." Allowing for the unfettered recording of these proceedings would vitiate the purpose of limiting attendance as prescribed by the Election Code.

With that said, given the stated reason for the campaign's desire to make such a recording, namely "creating a contemporaneous record of the process itself" (per the email October 29<sup>th</sup> email of Jonathan Goldstein), the County will be recording the entirety of the proceedings, as monitored by the cameras in the room. This video will be preserved until such time as it is clear that its retention is no longer required, but at a minimum through certification of the election results. Please let me know if you believe that a longer retention period would be necessary.

Regarding the concerns you have raised regarding greater access to the canvassing room, we have discussed the issue and will permit a limited number of additional certified individuals

to be present within the room, however they will need to remain in the same area as the other watchers and permitted observers. We will also be adding additional television monitors to both the observation area and the overflow room.

While we can appreciate the desire to be closer to the canvass process, given the space constraints of the room, the ongoing pandemic, and the need to follow both Commonwealth and local measures requiring six-foot social distancing, there is little more that can be done. The individuals that will be working in that room have all been assured that the County will be taking all steps possible to ensure their safety and well-being, and we are not prepared to endanger their safety by permitting watchers or others closer access. Attached to this letter you will find a copy of the local order from the Montgomery County Office of Public Health regarding COVID-19 mitigation measures for the General Election, including for the polling locations and the canvassing process. I would also like to take this opportunity to remind you that, pursuant to Section 3146.8 of the Election Code, no more than one person can be in the room on behalf of a candidate at any time, as your initial letter was unclear as to whom it was that would be present for candidate Barnette.

Finally, regarding your request for Public Information Lists by noon today, I am aware that the County provided you with the required form to be provided this information, and that as of 11:30AM this morning, you have not yet returned that completed form. We will be happy to provide you the information as soon as that is submitted to us with all the required information provided.

Respectfully,



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Joshua M. Stein  
County Solicitor  
Montgomery County Solicitor's Office  
One Montgomery Plaza  
Suite 800  
Norristown, PA 19404-0311  
Phone: 610-278-3033  
Fax: 610-278-3069  
[JStein1@montcopa.org](mailto:JStein1@montcopa.org)

Cc: Ken Lawrence, Chair, Montgomery County Election Board  
Lee Soltysiak, COO/Chief Clerk, Montgomery County Election Board

**Andrew Teitelman**

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**From:** Andrew Teitelman  
**Sent:** Monday, November 2, 2020 12:30 PM  
**To:** Stein, Josh  
**Cc:** Commissioner Kenneth Lawrence; COO; Bob Gillies; Elizabeth Havey - Dilworth Paxson LLP (epreatehavey@dilworthlaw.com)  
**Subject:** RE: Response to your 10/30 and 10/31 letters

Mr. Stein – I appreciate your response to my letters and feel we may be nearing an acceptable understanding if I am correct in my reading of why you have stated. However, there is one point of correction that I feel must be made at the outset. I received an email from Lauren Raikowski sending me the RTK request form at 8:39 a.m. today. I will gladly fill-in and return this form as an accommodation, but I am not corresponding with the Board of Elections as a member of the public, *per se*, as I am the lawyer representing Congressional candidate Kathy Barnette and her committee, the Friends for Kathy Barnette. So my requests are as Ms. Barnette's legal counsel and I am both exercising and protecting her and her committee's rights under the Election Code and generally.

Our need for this information is to assure the transparency of the entire election process, especially the handling of the mail-in ballots. I hope that you understand that our requests are not in the context of implying any wrongdoing - - rather, it is the opposite, in that cooperation and transparency will help to avoid any such implications and help to engender confidence in the electoral process in Montgomery County. Given that this is the first general election, including the office of President of the United States, where large-scale mail-in ballots will play an overwhelmingly significant role and that the entire process is new and virtually untested (the primary in June being the only other example), I hope that you and the Election Board will err on the side of more transparency and not merely meeting the legal requirements at the most minimal level.

As for the acceptable understanding noted above, will the candidates, political committees and their duly authorized representatives have real-time access to the data streams from the cameras in the two rooms being used for the mail-in ballot canvass? If not, how are they supposed to discover problems and be able to raise objections in a timely manner? We respect your concerns about security and privacy and feel there are many ways, short of prohibiting real-time access to the video data streams, to accomplish that. For instance, those being granted access could execute an oath and state that they will keep this information in strict confidence and make no disclosures thereof other than any court action(s) that may arise, etc. This would subject the persons with such access to criminal sanctions for any breach thereof. This is only one example of what we can do to assure proper handling of the information and we will be glad to work with you to a result that is satisfactory to all.

Thank you.

Andrew Teitelman, Esquire  
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NEW IRS RULES RESTRICT WRITTEN FEDERAL TAX ADVICE FROM LAWYERS AND ACCOUNTANTS. WE INCLUDE THIS STATEMENT IN ALL OUTBOUND EMAILS BECAUSE EVEN INADVERTENT VIOLATIONS MAY BE PENALIZED. NOTHING IN THIS MESSAGE IS INTENDED TO BE USED, OR MAY BE USED, TO AVOID ANY PENALTY UNDER FEDERAL TAX LAWS. THIS MESSAGE WAS NOT WRITTEN TO SUPPORT THE PROMOTION OR MARKETING OF ANY TRANSACTION. CONTACT THE SENDER IF YOU WISH TO ENGAGE US TO PROVIDE FORMAL WRITTEN ADVICE AS TO TAX ISSUES.

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**From:** Stein, Josh <JStein1@montcopa.org>  
**Sent:** Monday, November 2, 2020 12:00 PM  
**To:** Andrew Teitelman <ateitelman@teitelaw.com>  
**Cc:** Commissioner Kenneth Lawrence <Ken@montcopa.org>; COO <COO@montcopa.org>  
**Subject:** Response to your 10/30 and 10/31 letters

Mr. Teitelman,

Please see the attached response to your correspondence of 10/30 and 10/31.

Joshua M. Stein  
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Montgomery County Solicitor's Office  
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